

AMENDED IN ASSEMBLY APRIL 26, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 986

Introduced by Assembly Member Torrico

February 18, 2005

~~An act relating to housing.~~ *An act to amend Section 66536.1 of the Government Code, relating to transit oriented development.*

LEGISLATIVE COUNSEL'S DIGEST

AB 986, as amended, Torrico. ~~Housing.~~ *Transit oriented development.*

Existing law expresses the Legislature's findings that the Metropolitan Transportation Commission has collaborated with the Association of Bay Area Governments (ABAG) on regional coordination and agreed to create a joint policy committee. Existing law expresses the Legislature's findings that the Bay Area Air Quality Management District should be included on the joint policy committee by June 30, 2005, as a represented agency. Existing law requires that committee to report to the Legislature by January 1, 2006, on the feasibility of consolidating functions separately performed by ABAG and the commission and requires the committee to coordinate the development and drafting of major planning documents prepared by ABAG, the commission, and the Bay Area Air Quality Management District.

This bill would require the joint policy committee to prepare a plan identifying regional priority transit oriented development zones for the San Francisco Bay Area region. The report would be reviewed and approved by the Metropolitan Transportation Commission and the executive board of the Association of Bay Area Governments and submitted to the Legislature by January 1, 2007.

The bill would authorize the committee to prioritize no more than 50 regional priority transit oriented development zones at any one time and would require, to the extent feasible, that the committee, in developing a plan, use research already done on transit oriented development by specified entities.

The bill would authorize the governing body of a regional priority transit oriented development zone to establish a property and business improvement district or Mello-Roos community facilities district to facilitate the construction of infrastructure and higher density, mixed-use developments.

The bill would entitle a mixed-use development that is located within a regional priority transit oriented development zone that otherwise meets the qualifications for a density bonus to an additional density bonus of 5% above the bonus to which it is already entitled.

By requiring the joint committee to develop the plan and undertake related activities, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law contains a legislative finding and declaration that California is experiencing a severe housing shortage that compounds itself further each year.~~

~~This bill would state the intent of the Legislature to enact legislation to address California's severe housing shortage.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. It is the intent of the Legislature to enact~~
- 2 ~~legislation to address California's severe housing shortage.~~
- 3 ~~SECTION 1. The Legislature hereby finds and declares as~~
- 4 ~~follows:~~

1 (a) Federal, state, and local governments in California are
2 investing in new and expanded rail transit systems in the state.

3 (b) Recent studies of transit ridership in California indicate
4 that persons who live within a quarter-mile radius of rail transit
5 stations utilize the transit system in far greater numbers than
6 does the general public living elsewhere.

7 (c) Research by the Metropolitan Transportation Commission
8 projects that traffic congestion will double by 2030. The average
9 San Francisco Bay Area driver currently spends 73 hours in
10 traffic each year, according to a recent study by the Texas
11 Transportation Institute, costing two billion eight hundred
12 million dollars (\$2,800,000,000) per year in wasted fuel and
13 productivity.

14 (d) Traffic congestion could be minimized with transit oriented
15 development that reduces single occupant vehicle trips. The
16 Association of Bay Area Government's Projections 2003 that
17 incorporates smart growth policies projects that the San
18 Francisco Bay Area population living close to transit could
19 increase from 16 percent to 26 percent in 2030. The outcomes of
20 Projections 2003 cannot be assumed without focused policy
21 changes and incentives.

22 (e) The number of people living close to transit stations is
23 projected to grow by over 1 million people, from 1.1 million to
24 2.2 million, and by over 1 million jobs, from 1.2 million to 2.3
25 million by 2030 based on Projections 2003.

26 (f) Population growth close to existing transit is forecast to be
27 four times as high in absolute numbers as in areas close to
28 Resolution 3434 new stations, future transit expansion sites,
29 476,000 compared to 107,000. Sixty-eight percent of the growth
30 is around existing transit stations according to Projections 2003.

31 SEC. 2. Section 66536.1 of the Government Code is amended
32 to read:

33 66536.1. (a) The joint policy committee shall prepare a
34 report analyzing the feasibility of consolidating functions
35 separately performed by ABAG and MTC. The report shall be
36 reviewed and approved by MTC and the ABAG executive board
37 and submitted to the Legislature by January 1, 2006.

38 (b) The combined membership of the joint policy committee
39 shall include at least one representative from each of the nine

1 regional counties: Alameda, Contra Costa, Marin, Napa,
2 Sonoma, San Mateo, San Francisco, Santa Clara, and Solano.

3 (c) The joint policy committee shall coordinate the
4 development and drafting of major planning documents prepared
5 by ABAG, MTC, and the Bay Area Air Quality Management
6 District, including reviewing and commenting on major interim
7 work products and the final draft comments prior to action by
8 ABAG, MTC, and the Bay Area Air Quality Management
9 District. These documents include, but are not limited to, the
10 following:

11 (1) Beginning with the next plan update scheduled to be
12 adopted in 2008, the regional transportation plan prepared by
13 MTC and described in Section 66508 of the Government Code.

14 (2) The ABAG Housing Element planning process for regional
15 housing needs pursuant to Article 10.6 (commencing with
16 Section 65580) of Chapter 3 of Division 1 of Title 7.

17 (3) The Bay Area Air Quality Management District's Ozone
18 Attainment Plan and Clean Air Plan.

19 (d) *The joint policy committee shall prepare a plan identifying*
20 *regional priority transit oriented development zones for the San*
21 *Francisco Bay Area region. The report shall be reviewed and*
22 *approved by the Metropolitan Transportation Commission and*
23 *the executive board of the Association of Bay Area Governments*
24 *and, notwithstanding Section 7550.5, submitted to the*
25 *Legislature by January 1, 2007. For purposes of this section, the*
26 *San Francisco Bay Area region is comprised of the nine counties*
27 *that touch the San Francisco Bay and are in the Council of*
28 *Government territory of the Association of Bay Area*
29 *Governments.*

30 (1) *The joint policy committee may chose as a regional*
31 *priority transit oriented development zone an area that qualifies*
32 *as a transit village development district, an area for which a*
33 *specific plan, redevelopment plan, strategic plan, or station area*
34 *plan has been adopted, a planning area in the Smart Growth*
35 *Vision, or an existing transit stop if the area has significant*
36 *potential to add housing, jobs, and economic activity in close*
37 *proximity to transit.*

38 (2) *The joint policy committee may at any one time prioritize*
39 *no more than 50 regional priority transit oriented development*
40 *zones in the San Francisco Bay Area region.*

1 (3) *To the extent feasible, in developing a plan pursuant to this*
2 *subdivision, the joint policy committee shall use research already*
3 *done on transit oriented development by the following entities:*

4 (A) *The Metropolitan Transportation Commission consistent*
5 *with the Resolution 3434 transit expansion project as well as*
6 *existing stations.*

7 (B) *The Association for Bay Area Governments consistent with*
8 *the Smart Growth Vision planning areas near transit.*

9 (C) *The Bay Area Rapid Transit District consistent with their*
10 *expansion policy.*

11 (4) *The regional priority transit oriented development zones*
12 *identified in the plan prepared pursuant to this subdivision are*
13 *intended to facilitate the construction of infrastructure and*
14 *higher density, mixed-use developments in transit oriented*
15 *development neighborhoods and along local transportation*
16 *corridors. In order to accomplish this goal, the governing body*
17 *of a regional priority transit oriented development zone may*
18 *establish a property and business improvement district, as set*
19 *forth in Part 7 (commencing with Section 36600) of Division 18*
20 *of the Streets and Highways Code, or a Mello-Roos community*
21 *facilities district, as set forth in Chapter 2.5 (commencing with*
22 *Section 53311 of Part 7 of Division 2 of Title 5.*

23 (5) *A mixed-use development that is located within a regional*
24 *priority transit oriented development zone that otherwise meets*
25 *the qualifications of subdivision (b) of Section 65915 is entitled*
26 *to an additional density bonus of 5 percent above the bonus to*
27 *which it is entitled under Section 65915.*

28 SEC. 3. *If the Commission on State Mandates determines that*
29 *this act contains costs mandated by the state, reimbursement to*
30 *local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*